

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HARRY MADDUX, III,

Civil No. 05-2898 (PJS/AJB)

Plaintiff,

v.

ORDER AFFIRMING
MAGISTRATE JUDGE ORDER

MARY AITKENS, TORI WILMES,
JIM BENSON, and TERRI CARLSON,

Defendants.

Harry Maddux, III, No. 160189, MN Correctional Facility—Moose Lake, 1000 Lake Shore Drive, Moose Lake, MN 55767, plaintiff *pro se*.

Richard L. Varco, Jr., Assistant Minnesota Attorney General, MINNESOTA ATTORNEY GENERAL'S OFFICE, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101, for defendants.

This matter is before the Court on plaintiff Harry Maddux's objection to Magistrate Judge Boylan's order dated May 10, 2006.¹ Judge Boylan's order denied Maddux's motion seeking appointment of counsel and his motion for Moose Lake Corrections Facility to produce certain documents. Maddux objects only to the denial of appointed counsel.

The Court has reviewed this matter *de novo* and finds nothing "clearly erroneous or contrary to law" in Judge Boylan's order denying court-appointed counsel to Maddux. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. LR 72.2(a). Maddux's objection raises

¹ Although Maddux called his objection a "Motion for Reconsideration," the Court, liberally construing this *pro se* filing, will consider the motion a timely objection pursuant to Local Rule 72.2(a). *See Miller v. Norris*, 247 F.3d 736, 739 (8th Cir. 2001) (liberally construing *pro se* prisoner's "Motion to Reinstate Case" as an entirely new civil action since the federal rules do not provide for such a motion).

no new issues, and, in fact, further demonstrates his ability to “articulate his claims, assert the law and facts that he considers applicable, and present his positions” — all of which weigh against his need for appointed counsel. Order at 2; *see also In re Lane*, 801 F.2d 1040, 1043-44 (8th Cir. 1986).

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. Maddox’s objection to Magistrate Boylan’s order dated May 10, 2006 [Docket No. 15] is OVERRULED, and
2. Magistrate Judge Boylan’s order [Docket No. 14] is AFFIRMED.

Dated: October 11, 2006

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge